

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:
MALDONADO, Jesus
Debtor(s)

Chapter 13
Case No. 10-17516-WCH

TRUSTEE'S OBJECTION TO DEBTOR'S PLAN

Now comes Carolyn A. Bankowski, Standing Chapter 13 Trustee ("Trustee"), respectfully objects to the Debtors Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. The Debtors filed a Chapter 13 case on July 12, 2010.
2. The Trustee convened and presided at a 341 Meeting of Creditors on August 31, 2010.
3. The Trustee avers that the Debtor's Plan fails to provide for treatment of all secured claims. Specifically, Ocwen, the holder of the second mortgage and Eastern Bank for the 2003 Nissan. Therefore, the Plan is not feasible.
4. In addition, according to the Debtor's 2009 tax return, the Debtor received a refund in the sum of over \$5,200.00. The Plan proposes a 0% dividend to the unsecured creditors. The Trustee avers that the Plan does not satisfy the best efforts test set forth under 11 U.S.C. §1325(b)(1)(B).

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and for such other relief as is proper.

Dated: September 2, 2010

Respectfully submitted,

/s/ Carolyn A. Bankowski
Carolyn A. Bankowski, BBO#631056
Patricia A. Remer, BBO#639954
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Certificate of Service

The undersigned hereby certifies that on September 2, 2010, a copy of the Trustee's objection to Debtors Plan was served via first class mail, postage prepaid on the debtors and debtors' counsel or by electronic mail at the addresses set forth below.

Jesus Maldonado
60 Westminster St., #2
Hyde Park, MA 02136

Gregory M. Sullivan, Esq.
126 Essex St.
Malden, MA 02148

bc

/s/ Carolyn A. Bankowski
Carolyn A. Bankowski